

REMARKS

Claims 1-4, 9-11, 14, 17-19, 21, 24, and 25 were rejected under 35 U.S.C. §103(a) as being anticipated over the Yves reference in view of the Stuckle reference. Applicants have cancelled claim 25.

Claim 1 defines the invention as a cross beam assembly having an air bag expandable from a folded condition to an expanded condition. A beam has a hollow interior and defines an opening formed therein. An inflator assembly includes a source of pressurized gas for inflating the air bag. The inflator assembly is disposed within the hollow interior of the beam such that activation of the inflator assembly expels gas through the opening. The inflator assembly is integrally formed in the beam such that a portion of the beam defines walls of the inflator assembly. A chute is connected to the beam. The chute has a passageway in communication with the opening formed in the beam. The chute extends outwardly from the beam for directing expelled gas from the source of pressurized gas to the air bag upon actuation of the inflator assembly. The air bag is disposed in the chute when in the folded condition.

To establish a case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. The teaching or suggestion to modify the reference or make the claimed combination must be found in the prior art, not in applicant's disclosure. The Examiner suggests that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Yves reference with the teachings of the Stuckle reference to dispose the air bag within the chute in order to better protect the air bag. Applicants respectfully disagree and assert that the Examiner's rejection is unsupported. There is no suggestion in the Stuckle reference that the air bag is placed within the chute for protection. Furthermore, there is no suggestion in the Yves

reference that the air bag 15 requires any protection. The Examiner may not simply fabricate a reason for combining the references.

Applicants further assert that there is no reasonable expectation of success in combining the Yves and Stuckle references to dispose the air bag 15 in the chute 14 of the Stuckle reference. The Yves reference discloses an air bag 15 mounted on an outwardly extending peripheral flange (as best shown in Fig. 5) of a diffusion body 14. Although not specifically shown in Fig. 6, it is suggested by the phantom lines that a threaded fastener attaches the air bag to the peripheral flange. As shown in Fig. 6, there is no available space for such a connection for mounting the air bag at the base of the chute. Thus, there is no reasonable expectation of success in combining the Yves and Stuckle references to dispose the air bag 15 in the chute 14.

Even if the Yves and Stuckle references were combined, the combination would not result in Applicants' invention as defined in claim 1. A combination of the Yves and Stuckle references would result in mounting the air bag 15 into the chute (unnumbered) integrally formed in the housing 20, as shown in Fig. 3 of the Stuckle reference. The chute of Fig. 3 is not connected to the beam. There is no teaching or suggestion in the Stuckle reference to attach the chute of Fig. 3 to the beam 7, as is required in Applicants' invention as defined by claim 1. For the reasons above, Applicants respectfully request withdrawal of the Examiner's rejection of claim 1 under 35 U.S.C. §103(a). Claims 2-4, 9-11, 14, 17-19 are dependent on claim 1, and for at least this reason they also are patentable over the Yves and Stuckle references.

Claim 21 defines the invention as a cross beam assembly including an air bag expandable from a folded condition to an expanded condition. A beam has a hollow interior. The beam defines an opening formed therein. An inflator assembly includes a source of pressurized gas for inflating the air bag. The inflator assembly is disposed within the hollow interior of the beam such that activation of the inflator assembly expels gas through the opening. The inflator assembly is integrally formed in the beam such that a portion of the beam defines walls of the inflator assembly containing the source of pressurized gas. A chute is connected to the beam. The chute has a passageway in communication with the opening formed in the beam. The chute

extends outwardly from the beam for directing expelled gas from the source of pressurized gas to the air bag upon actuation of the inflator assembly. The air bag is disposed in the chute when in its folded condition. The assembly further includes a door for covering the air bag when in its folded condition in the chute. The door is integrally formed with the chute and is movable to a deployed position upon actuation of the inflator to inflate the air bag. For at least the reasons described above with respect to claim 1, claim 21 and its dependent claim 24 are patentable over the Yves and Stuckle references. Furthermore, it is noted that the chute of Fig. 3 of the Yves reference is not connected to the beam, as is required in Applicants' invention as defined by claim 21.

With respect to claims 3, 4, and 24, the Examiner asserts that the Yves shows a strengthening sleeve in Figure 4 about the inflator assembly and beam. Applicants respectfully disagree. Instead, the Yves reference discloses a three piece beam formed from a left portion, a right portion, and an intermediate member (unnumbered) connecting the right and left portions. Fig. 4 of the Yves reference clearly shows the radially extending ends of the left and right portions. It is noted that Fig. 4 lacks any section lines between the left and right portions, clearly indicating a space between the inflator assembly and the intermediate member. Therefore, claims 3, 4, and 24 are patentable over the cited references.

Respectfully submitted,



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